

REMARKS

Applicant respectfully requests further examination and reconsideration of the instant case in view of the instant response. Claims 9, 16, 17, 23, 24 and 26 have been amended herein. Claims 1-26 remain pending in the case. No new matter has been added as a result of these amendments.

CLAIM REJECTIONS  
35 U.S.C. §112

Claims 16 and 24 are rejected under 35 U.S.C 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 16 and 24 have been amended herein, addressing the 35 U.S.C. 112 rejection. The Applicant respectfully requests the Examiner's review and approval of these amendments.

35 U.S.C. §103

Claims 1-16 and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (5,584,195), hereafter referred to as Liu, in view of Moller et al. (5,889,512), hereafter referred to as Moller. Applicant has reviewed the cited references and respectfully submits that the embodiments of the present invention as recited in Claims 1-16 and 18-26 are not anticipated or suggested by Liu in view of Moller.

Liu purports to teach a pen comprising an elastic member. However, Liu and the claimed invention are very different. Applicant agrees that Liu does not disclose that the pen is a stylus for use with a touch screen having a digitizer, as claimed by the present invention. In fact, Liu teaches away from the claimed limitations of the present invention because using the pen of Liu on a touch screen would damage the touch screen by contaminating it with ink. In column 7 lines 50-51, Liu teaches "the pen becomes straight form again with the ball point extending out automatically." The pen of Liu, in the extended position, deposits ink from the ball point extending out onto a writing surface. One of ordinary skill in the art would not be motivated to realize the claimed limitations in view of Liu because using the pen of Liu on a touch screen would damage the screen and make the screen inoperable.

Moller fails to remedy the deficiencies of Liu. In fact, Moller teaches away from the claimed limitations of the present invention by teaching a rigid stylus that is not elastic, as claimed.

Specifically, Claim 1 (emphasis added):

A stylus for use with a touch screen having a digitizer, said stylus comprising:  
an elastic member;  
 a first end cap tapered to a point and coupled to said elastic member;  
 a second end cap coupled to said elastic member;  
a plurality of mid-segments coupled to said elastic member between  
 said first and second end caps.

Claim 1 teaches a stylus comprising "an elastic member" and "a plurality of mid segments coupled to said elastic member." Moller fails to teach or suggest an

elastic member and fails to teach or suggest a plurality of mid segments, as claimed. In column 4 lines 59-60, Moller teaches "Fig. 2 is a perspective view of stylus 10 in which extension 14 is in an open or extended position." The stylus of Moller, in both the extended position and the retracted position, is a rigid member. Moller fails to teach or suggest an elastic member or a plurality of mid segments coupled to said elastic member, as claimed.

Applicants agree that Moller purports to teach a stylus. However, the combination of Liu and Moller teaches away from the claimed invention because the combination of Lui and Muller cannot be used as a stylus on a touch sensitive screen because it would deposit ink on the screen and damage it.

The combination of Liu and Moller is does not render obvious the claims of the present invention because the combination of Liu and Moller teaches an object that cannot be used as an instrument to operate a touch sensitive screen, as claimed by the present invention in Claims 1-16 and 18-26.

Applicants respectfully assert that nowhere does the combination of Liu and Moller teach, disclose or suggest the present invention as recited in Claims 1-16 and 18-26 and that these claims are thus in a condition for allowance.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Moller and further in view of Canova (6,388,870), hereafter referred to as Canova. Applicant has reviewed the cited references and respectfully submits that the embodiments of the present invention as recited in Claim 17 are not taught or suggested by Liu in view of Moller and further in view of Canova.

Canova fails to remedy the deficiencies of Liu and Moller. Applicant agrees that Canova teaches "housing 100 includes two accessory slots 112 which can accommodate different accessory devices designed for use with handheld computer 100, such as stylus 400." However, amended Claim 17 teaches " wherein said stylus can be simultaneously stored along more than one side of said portable electronic device." Canova teaches that a stylus can be stored on either the left or right side of the device to accommodate both left and right handed users. This is different from the limitation of "simultaneously stored along more than one side," as claimed.

Applicants respectfully assert that nowhere does the combination of Liu Moller and Canova teach, teach or suggest the present invention as recited in Claim 17 and that this claim is thus in a condition for allowance.

CONCLUSION

In light of the above listed remarks, reconsideration of the amended Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-26 overcome the rejections and objections of record and, therefore, allowance of Claims 1-26 is earnestly solicited.

Should the Examiner have a question regarding the instant response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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